IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7272 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R. TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : YES

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

T J PANDYA

Versus

DIST EDUCATION OFFICER

Appearance:

MR BHARAT T RAO for Petitioner

MR DD VYAS for Respondent No. 1

Mr.K.P. Raval, ASSTT GOVERNMENT PLEADER for Respondent No. 2

CORAM : MR.JUSTICE RAVI R. TRIPATHI

Date of decision: 01/12/2000

ORAL JUDGEMENT

The present petition is filed by the petitioner being aggrieved of the action on the part of the District Education Officer, whereby the salary grant of the school

was withheld on the ground that one Shri T.S. Patel has not been appointed as Supervisor. It is the case of the petitioner that one Shri I.A. Raval, who was eligible to be appointed as Supervisor having secured second rank in merit list was appointed as Supervisor.

2. The petition was filed in 1992. It is now given out that thereafter, the District Education Officer has released grant to the school. However, Shri B.T. Rao, learned advocate for the petitioner apprehends that if the petition is disposed of, the District Education Officer may once again insist for appointing said Shri T.S. Patel on the post of Supervisor. In absence of any material that the District Education Officer may insist for appointment of said T.S. Patel as Supervisor, such an apprehension is not required to be entertained. However, it is made clear that if the authorities so insist, it will be open for the petitioner to challenge such action on the part of the authorities or any action taken pursuant to that insistence. The Court has not examined merits of the matter at this stage.

3. In view of the above, the petition stands dismissed with no order as to costs. Rule is discharged.

1st December 2000 (Ravi R. Tripathi, J.)

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